

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 7, ARTICLE II, OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, BY REPEALING SECTION 7-26 SERVICE CHARGES IMPOSED; REPEALING SECTION 7-27 DISTRIBUTION OF SERVICE CHARGES; REPEALING 7-28 DISTRIBUTION OF COUNTY COURT COSTS; AMENDING 7-29 COURT COSTS FOR CRIMINAL VIOLATIONS, BOND FORFEITURES; REPEALING SECTION 7-30 SERVICE CHARGE FOR FAMILY MEDIATION SERVICES; AMENDING SECTION 7-31 SERVICE CHARGES FOR DRUG, ALCOHOL RELATED OFFENSES; REPEALING SECTION 7-32 COURT COST FOR JUVENILE ASSESSMENT RECEIVING CENTER; REPEALING SECTION 7-33 COURT COSTS FOR TEEN COURT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on November 3, 1998, the voters of Florida adopted Revision 7 to the Florida Constitution, thereby amending Article V of the Constitution, in order to address the problem of disparate court funding throughout the separate 67 counties of the state; and

WHEREAS, during the 2003 Session of the State Legislature, the Legislature adopted House Bill 113A, which amended various provisions of the Florida Statutes in order to comply with the requirements of Revision 7; and

WHEREAS, effective July 1, 2004, House Bill 113A repealed certain statutory filing fee provisions;

WHEREAS, the Board of County Commissioners desires to enact an ordinance to amend Chapter 7, Article II, of the Code of Laws of Leon County, Florida, entitled "Court Filing Fees; Service Charges; Court Costs," to comport with House Bill 113A and other statutory revisions;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, that:

Section 1. Section 7-26 of Chapter 7, Article II of the Code of Laws of Leon County, Florida, entitled "Service charges imposed" is hereby repealed in its entirety.

Section 2. Section 7-27 of Chapter 7, Article II of the Code of Laws of Leon County, Florida, entitled "Distribution of service charges" is hereby repealed in its entirety.

Section 3. Section 7-28 of Chapter 7, Article II of the Code of Laws of Leon County, Florida, entitled "Distribution of county court costs" is hereby repealed in its entirety.

Section 4. Section 7-29 of Chapter 7, Article II of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

Sec. 7-26 ~~7-29~~. Court costs for criminal violations, bond forfeitures.

(a) There is hereby assessed by the county, in compliance with F.S. § ~~943.25(13)~~ 938.15, an additional \$2.00 as court costs against every person convicted for violation of a state penal or criminal statute or convicted of a municipal or county ordinance, where said offense occurred within the county. In addition, \$2.00 shall be deducted from every bond estreature or forfeited bail bond related to such penal statutes or ordinances. However, no such assessment shall be made against any person convicted for violation of any state statute, municipal or county ordinance relating to the parking of vehicles.

(b) All such assessments shall be collected by the appropriate court and shall be remitted to the county and earmarked for law enforcement education and training for members of the sheriff's department. The use and expenditure of such funds shall be in accordance with education and training programs for law enforcement personnel as determined by the sheriff and in accordance with F. S. § ~~943.25(13)~~ 938.15.

Section 5. Section 7-30 of Chapter 7, Article II of the Code of Laws of Leon County, Florida, entitled "Service charge for family mediation services" is hereby repealed in its entirety.

Section 6. Section 7-31 of Chapter 7, Article II of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

Sec. 7-27 ~~7-31~~. Service charges for drug, alcohol related offenses.

(a) Pursuant to the authority granted in F.S. § ~~939.017~~ 938.13, when any person, on or after October 1, 1988, is found guilty of any misdemeanor under the laws of the state in which the unlawful use of drugs or alcohol is involved, there shall be imposed an additional cost in the case, in addition to any other cost required to be imposed by law, in the sum of \$15.00.

(b) The clerk of the circuit court shall collect the additional cost imposed by subsection (a) of this section. The clerk shall forward \$14.00 of the added cost to the ~~state treasurer~~ County, to be deposited to the credit of the ~~Department of Health and Rehabilitative Services~~ County Alcohol and Other Abuse Trust Fund for allocation to local alcohol and drug treatment programs, pursuant to F.S. §§ ~~396.042(4) and 397.031(5)~~ § 893.165. The clerk shall retain the remaining \$1.00 as a service charge of the clerk's office.

(c) Under no condition shall a political subdivision be liable for the payment of any cost imposed pursuant to this section.

Section 7. Section 7-32 of Chapter 7, Article II of the Code of Laws of Leon County, Florida, entitled "Court cost for juvenile assessment receiving center" is hereby repealed in its entirety.

Section 8. Section 7-33 of Chapter 7, Article II of the Code of Laws of Leon County, Florida, entitled "Court costs for teen court" is hereby repealed in its entirety.

Section 9. Conflicts. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, except to the extent of any conflicts with the Tallahassee-Leon County 2010 Comprehensive Plan as amended, which provisions shall prevail over any part of this ordinance which is inconsistent, either in whole or in part, with the said Comprehensive Plan.

Section 10. Severability. If any word, phrase, clause, section or portion of this ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or words shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 11. Effective Date. This ordinance shall have effect upon becoming law.

DULY PASSED AND ADOPTED by the Board of County Commissioners of Leon County, Florida, this _____ day of January, 2005.

Attest:
Bob Inzer, Clerk of Circuit Court

LEON COUNTY, FLORIDA

By: _____
Clerk

By: _____
Cliff Thael, Chairman
Board of County Commissioners

Approved as to form:
County Attorney's Office
Leon County, Florida

By: _____
Herbert W. A. Thiele, Esq.
County Attorney